

United States Court of Appeals

*For the Seventh Circuit
Chicago, Illinois 60604*

February 11, 2002

Before

Honorable William J. Bauer, Circuit Judge

Honorable Michael S. Kanne, Circuit Judge

Honorable Ilana Diamond Rovner, Circuit Judge

Nos. 99-2722 and 99-2765

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

ALFRED LEONARD WILLIAMS and
DERRICK MITCHELL a/k/a DIRKIE,

Defendants-Appellants.

)Appeal from the United States
)District Court for the Southern
)District of Illinois

)

)

)No. 97 CR 30089

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)

)**William D. Stiehl, Judge.**

)

ORDER

Before the Court is Derrick Mitchell's Motion for Clarification of Opinion. The Motion is granted and the Opinion is hereby modified. On page 4 of the Slip Opinion, at the end of the last line of the first full paragraph (the line ending "his attempt to plead guilty."), add as footnote

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*. The district court did not clearly err in refusing to grant Mitchell a three-level reduction for acceptance of responsibility. *See United States v. Akindele*, 84 F.3d 948, 956 (7th Cir. 1996). A decrease may be granted only if the defendant clearly demonstrates acceptance of responsibility for his offense. *See* U.S.S.G. § 3E1.1(a). One of the appropriate considerations for determining acceptance of responsibility is whether the defendant truthfully admits the conduct comprising the offense of conviction. Even a cursory review of the hearing where Mitchell "attempted" to plead guilty reveals that the district court rejected his plea because he would not admit to the conduct underlying the charges. We will give no further attention to this frivolous claim.